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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JERRY LYNN DAVIS,

9 Plaintiff,

v.

10 DEPARTMENT OF CORRECTIONS,
11 et al.,

12 Defendants.

CASE NO. C20-5433 BHS

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO
AMEND COMPLAINT

13 This matter comes before the Court on Plaintiff Jerry Davis's unopposed motion to
14 amend complaint. Dkt. 59. The Court has considered the motion and the remainder of the
15 file and hereby grants the motion for the reasons stated herein.

16 Davis sued the Washington Department of Corrections and individually-named
17 Defendants, primarily alleging deliberate indifference to his serious medical needs while
18 incarcerated. Dkt. 2. Davis seeks to amend his complaint to conform his claims to
19 evidence revealed in discovery and to replace a previously-named Doe defendant with
20 Timothy Taylor, who was allegedly directly involved with Davis's deprivation of medical
21 care. Dkt. 59. Defendants did not file any opposition to Davis's motion.
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1 Leave to amend a complaint under Fed. R. Civ. P. 15(a) “shall be freely given
2 when justice so requires.” *Carvalho v. Equifax Info. Services, LLC*, 629 F.3d 876, 892
3 (9th Cir. 2010) (citing *Forman v. Davis*, 371 U.S. 178, 182 (1962)). This policy is “to be
4 applied with extreme liberality.” *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048,
5 1051 (9th Cir. 2003) (citations omitted). In determining whether to grant leave under
6 Rule 15, courts consider five factors: “bad faith, undue delay, prejudice to the opposing
7 party, futility of amendment, and whether the plaintiff has previously amended the
8 complaint.” *United States v. Corinthian Colls.*, 655 F.3d 984, 995 (9th Cir. 2011)
9 (emphasis added). Among these factors, prejudice to the opposing party carries the
10 greatest weight. *Eminence Cap.*, 316 F.3d at 1052.

11 Defendants have made no showing of bad faith, undue delay, prejudice, or futility,
12 and Davis has not previously amended the complaint. Thus, Davis’s motion for leave to
13 amend, Dkt. 59, is **GRANTED**.

14 Davis shall file the amended complaint no later than June 4, 2021.

15 **IT IS SO ORDERED.**

16 Dated this 20th day of May, 2021.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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